

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2004**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to the City Code to Require Adequate Receptacles for Waste Generated at Residential Construction Sites**

RECOMMENDATION: After a public hearing, adopt an amendment to the City Code to require the placement of adequate receptacles for waste generated at residential construction sites.

SUMMARY: In January, Council was approached by a citizen concerned about blowing trash from construction sites in Beacon Hill Subdivision. Staff was directed to bring the matter to Council for discussion at a future work session. While the City Code currently requires litter receptacles on construction sites, the City Attorney originally drafted an amendment to the City Code that would have specified "dumpsters" for trash containment (copy attached). During Council's work session on February 24, concern was expressed that the proposed amendment was too prescriptive and that broader language should be considered. To address that concern, the City Attorney revised the proposed amendment to require "adequate receptacles". The matter was discussed again during Council's March 23 work session and the proposed ordinance has been amended again as a result. The most substantive change from the draft prepared for the March 23 work session is the addition of language giving the Building Commissioner the authority to stop work on a site where trash and litter is not properly handled. As directed by Council, a public hearing has been scheduled to receive comment.

PRIOR ACTION(S): January 27, 2003; February 24 and March 23, 2004 Work Sessions

FISCAL IMPACT: N/A

CONTACT(S): Walter Erwin

ATTACHMENT(S): Revised draft code amendment

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 21.1-8 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO CONSTRUCTION AND DEMOLITION SITES WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 21.1-8 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 21.1-8. Construction and demolition sites.

The contractor in charge of a construction, development or demolition site shall furnish ~~litter~~-receptacles to collect and contain all construction, demolition or remodeling waste and litter that are generated by the work on the site and to prevent the scattering of ~~bulk construction, demolition or remodeling waste and litter~~, on a daily basis. It shall be the contractor's responsibility to make sure that all construction, demolition or remodeling waste and litter are disposed of in such receptacles in order to prevent the same from drifting or blowing onto adjoining properties. All construction, demolition or remodeling waste and litter, shall be removed from such site as often as necessary to prevent scattering, offensive odors and/or health hazards. The city's building commissioner or his designee shall have the authority to issue a stop work order to any construction, demolition or remodeling project where the construction, demolition or remodeling waste and litter are not being properly disposed of or contained. No certificate of occupancy shall be issued until the site is free from all construction, demolition or remodeling waste and litter-free.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

044L